

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
June 20, 2016
6:00 P.M.

Time & Place

A regular City Commission meeting was held on Monday, June 20, 2016 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

Members Present

Mayor Smith indicated for the record that Commissioners Ellison, Haladay, Noonan and Farris-Olsen were present. City Manager Ron Alles, City Attorney Thomas Jodoin and City Clerk Debbie Havens were present. Others present were Eric Kiltz representing the Helena Citizens Council.

Pledge of Allegiance

Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

Minutes

The minutes of the regular City Commission meeting of June 6, 2016 approved.

Proclamation

PROCLAMATION:

A. Park and Recreation Month

Mayor Smith presented the Park and Recreation Month Proclamation to Parks & Recreation Director Amy Teegarden.

Director Teegarden thanked Mayor Smith for the proclamation and gave an overview of what activities are planned in city parks this summer. She also introduced Sarah Shapiro, Tobacco Prevention Health Educator with the County Health Department and explained the focus on having all developed city parks being tobacco free.

Board Appointments

BOARD APPOINTMENTS:

A. Tourism Business Improvement District Board (TBID)

Mayor Smith recommended approval of the appointment of George Powell to an unexpired term on the TBID. Term will begin upon appointment and expire April 20, 2017.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved approval of the appointment to the TBID as outlined above. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Consent Agenda

CONSENT AGENDA:

A. Claims

City Manager Ron Alles recommended approval of the claims.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haladay moved approval of Item A on the consent agenda. Commissioner Noonan seconded the motion. All voted aye, motion carried.

Bid Award

BID AWARD:

A. 2016 Chip & Seal Project, City Project #16-3

Staff Report

Engineer David Knoepke reported city staff opened two bids for the project on May 24, 2016. Helena Sand & Gravel, Inc. was the lowest responsible bidder for Schedules: A. East Central City Streets (East/West); B. Southeast City Streets (East/West); C. Southeast City Streets (North/South); and D. Southeast City Streets (North/South) for a total of \$253,914.88 with a unit price of \$1.28 per square yard. Last year's unit price was \$1.53 per square yard.

Engineer Knoepke recommended awarding Schedules A, B, C, and D to Helena Sand & Gravel in the amount of \$253,914.88. This project will complete approximately 8.8 miles of city streets this year compared to previous years; 2015/8.70 miles, 2014/9.93 miles, and 2013/8.46 miles.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved to award Schedules A, B, C, and D to the lowest responsible bidder; Helena Sand & Gravel in the amount of \$253,914.88. Commissioner Haladay seconded the motion. All voted aye, motion carried.

B. 2016 Overlay Project ADA Improvements, City Project #16-15

Staff Report

Engineer Knoepke reported the City of Helena Public Works Department was notified by the State of Montana that in order for the City Streets Division to continue its annual mill and overlay road maintenance project that all existing adjacent ADA ramps are to be updated to current ADA standards. The Engineering Division put out the design/build project to comply with the requirement. The project will update a total of 51 ADA ramps to current standards on Broadway, Winne, Saddle and a new build-out to improve the pedestrian crossing at Broadway and Colonial connecting to the new pedestrian tunnel under I-15 installed by MDT in 2013.

Engineer Knoepke recommended awarding the 2016 Overlay Project ADA Improvements, City Project #16-15 to the lowest responsible bidder, Northside Welding & Fabrication, Inc. in the amount of \$184,930.48.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Ellison moved to award the 2016 Overlay Project ADA Improvements, City Project #16-15 to the lowest responsible bidder, Northside Welding & Fabrication, Inc. in the amount of \$184,930.48. Commissioner Haladay seconded the motion. All voted aye, motion carried.

Communications

COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS

Commissioner Noonan reported the Montana Pride Event held in Great Falls over the weekend was very successful. Commissioner Noonan also reported he attended the 1/3 Mile to Safety Event and

thanked all agencies and individuals who was involved in organizing the event.

Commissioner Farris-Olsen concurred with Commissioner Noonan's comments on the Montana Pride Event held in Great Falls. It is time for the nation to move forward.

Mayor Smith stated he too attended the 1/3 Mile to Safety Event.

Report of the City Attorney

REPORT OF THE CITY ATTORNEY

City Attorney Jodoin reported his office is busy with several litigation cases.

Report of the City Manager

REPORT OF THE CITY MANAGER

No items to report on.

Report from the Helena Citizens

REPORT FROM THE HELENA CITIZENS COUNCIL

HCC member Eric Kiltz reported that he was on the planning committee of the 1/3 Mile to Safety Event. The HCC continues to look forward discussing the recommendation for a gas tax option with the city and county commissions. They are also looking at different funding options for the public works capital projects. The HCC working groups continue to identify community topics which include transportation, impact that non-residents have on city infrastructure, non-tax forms of funding, Civic Center, and public relations.

Commissioner Noonan will attend the June 22nd HCC meeting.

Regular Items

REGULAR ITEMS:

- A. CONSIDER A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDMENT TO LEASE-PURCHASE AGREEMENT BETWEEN THE CITY OF HELENA, MONTANA, AS LESSEE AND U.S. BANK NATIONAL ASSOCIATION, AS LESSOR, AND RELATED DOCUMENTS IN ORDER TO REFINANCE (I) THE ISSUER'S CERTIFICATES OF PARTICIPATION, SERIES 2009 AND (II) RELATED FINANCING COSTS; PROVIDING FOR THE ISSUANCE, SALE, AND DELIVERY OF CERTIFICATES OF PARTICIPATION, SERIES 2016, RELATING TO THE LEASE-PURCHASE AGREEMENT, AS AMENDED; AND TAKING CERTAIN OTHER ACTIONS RELATED TO THE LEASE-PURCHASE AGREEMENT, AS AMENDED, AND RELATED DOCUMENTS.

Staff Report

Director Jorgenson reported the City is in the process of refunding the 2009 Certificates of Participation (COPs) that financed the 15th Street Parking Garage. This resolution will authorize the Mayor, City Manager, and the Administrative Services Director (the Pricing Committee) to issue the preliminary official statement, approve the sale of the new bonds and sign the related documents. This is referred to as the second amendment to the lease purchase agreement with US Bank as COPs are based on lease purchase law.

The resolution is referred to as a "parameters" resolution as it will allow the Pricing Committee to approve the sale based on certain parameters. Those are: (1) the principal amount may not be more than \$8,600,000, (2) the True Interest Cost (TIC) rate may not exceed 3.5% per annum and a minimum net present value (NPV) of \$750,000, and (3) the final maturity date shall not be later than April 15, 2039.

The latest savings estimate shows we would save approximately \$95,000 per year in interest based on a current TIC of 2.69% and a NPV of \$1,113,348. The rate and savings will most likely change as interest rates are changing daily and have recently been increasing due to a stronger economy. Staff wants to bring the COP's to the market as soon as possible to get the greatest savings. The City will achieve interest savings over the life of the bonds.

Director Jorgenson recommended approval of a Resolution authorizing the execution and delivery of a second amendment to lease-purchase agreement between the City of Helena, Montana, as lessee and U.S. Bank National Association, as lessor, and related documents in order to refinance (i) the issuer's Certificates of Participation, Series 2009 and (ii) related financing costs; providing for the issuance, sale, and delivery of Certificates of Participation, series 2016, relating to the lease-purchase agreement, as amended; and taking certain other actions related to the lease-purchase agreement, as amended, and related documents.

Public comment Mayor Smith asked for public comment, none was received.

Discussion Commissioner Ellison noted the identified savings is very impressive and with the city just having received the Certificate of Achievement for Excellence in Financial Reporting (CAFR), he is comfortable moving ahead.

Commissioner Noonan noted the Helena Parking Commission is looking forward to this resolution being approved.

Motion

Commissioner Haladay moved to approve a resolution authorizing the execution and delivery of a second amendment to lease-purchase agreement between the City of Helena, Montana, as lessee and U.S. Bank National Association, as lessor, and related documents in order to refinance (i) the issuer's Certificates of Participation, Series 2009 and (ii) related financing costs; providing for the issuance, sale, and delivery of Certificates of Participation, series 2016, relating to the lease-purchase agreement, as amended; and taking certain other actions related to the lease-purchase agreement, as amended, and related documents. Commissioner Noonan seconded the motion. All voted aye, motion carried. **Resolution 20255**

B. CONSIDER AN EXCLUSINVE RIGHT-OF-WAY (ROW) USE AGREEMENT WITH THE WINDBAG RESTAURANT FOR A SIDEWALK CAFÉ ON THE WALKING MALL.

Staff Report

Engineer Knoepke reported the Windbag Restaurant, currently under renovation, is planning an outdoor elevated patio on the Walking Mall. The Windbag is located in the Original Helena Townsite 1869 in S31, T10N, R03W, parcels 22 and 23A.

The Exclusive Right-of-Way Use Agreement is being requested by the applicant, HSG Investments, the owner of the building and restaurant.

Engineer Knoepke recommended the commission approve, table or deny the Exclusive Right-of-Way Use Agreement.

Public comment Mayor Smith asked for public comment. Matt Schmechel, owner and general manager of the Windbag spoke in support of the agreement.

Motion **Commissioner Farris-Olsen moved to approve the Exclusive Right-of-Way Use Agreement for the Windbag Restaurant.**

Commissioner Haladay seconded the motion. All voted aye, motion carried.

Public Hearings

PUBLIC HEARINGS:

- A. CONSIDER A RESOLUTION TO VACATE A PORTION OF CHARLIE RUSSELL DRIVE LOCATED IN THE SWANEY MINOR SUBDIVISION ADJACENT TO LOTS 2-4.

Staff Report

Engineer Knoepke reported due to unforeseen circumstances and timelines the conditions to proceed with this vacation has not been met and staff is recommending tabling this vacation to the call of the City Manager. In addition to the vacation, staff will bring forward a property exchange proposal.

Commissioner Ellison asked for an estimated timeline when the resolution would be brought back for consideration. Engineer Knoepke stated sometime in late August.

Public testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the commission, the public hearing was closed.

Motion **Commissioner Ellison move to table a resolution to vacate a portion of Charlie Russell Drive located in the Swaney Minor Subdivision adjacent to Lots 2-4 to the call of the City Manager.**

Commissioner Haladay seconded the motion. All voted aye, motion carried.

- B. CONSIDER A RESOLUTION ADOPTING FINAL BUDGETS, BUDGET AUTHORITIES AND ANNUAL APPROPRIATIONS FOR FISCAL YEAR 2017 (FY2017).

Staff Report

Budget Manager Robert Ricker reported the Local Government Budget Act, MCA, Title 7, Chapter 6, Part 4, requires the City to develop and adopt an annual budget. The annual budget development process has encouraged public participation and included:

- City Manager presentation of the Preliminary Budget to the City Commission on April 25, 2016;
- A series of City Commission work sessions in which the entire Preliminary Budget was reviewed;
- Public Hearing Notices published in accordance with MCA 7-1-4127; and,
- A list of amendments to the Preliminary Budget.

With the public hearing tonight it will conclude the budget development process by:

- 1 . Conducting the public hearing on the Preliminary Budget to receive public input.
- 2 . Determining if there are any additional changes to be added to the list of amendments to the Preliminary Budget.

3 . Adopting the annual budget resolution for the final budget as amended.

Budget Manager Ricker gave a PowerPoint presentation on the Fiscal Year 2017 budget. He then recommended approval of the resolution adopting final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2016 and ending June 30, 2017 as amended and setting the salary for municipal judge.

City Manager Alles thanked city staff and the city commission for the good budget process.

Mayor Smith thanked City Manager Alles and all city staff for their work on the FY2017 budget.

Public testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the commission, the public hearing was closed.

Motion

Commissioner Haladay moved approval of a resolution adopting the final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2016 ending July 30, 2017 as amended and setting the salary for municipal judge.

Commissioner Ellison seconded the motion. All voted aye, motion carried. **Resolution 20256**

C. CONSIDER ACCEPTANCE OF BUREAU OF JUSTICE ASSISTANCE (BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDING.

Staff Report

Police Chief McGee reported the Helena Police Department has received funding from the Federal Bureau of Justice Assistance (BJA) for the last 15 years.

The HPD is proposing that our grant award be used to supplement a full-time detective's position that has been located at the Lewis and Clark County Attorney's Office. This detective serves as a liaison between the police department, county attorney's office, and the city prosecutor's office. Having this detective serve in this capacity allows for him to be able to coordinate information and developments from both law enforcement and prosecutors on case investigations. The detective actively works with the prosecution to prepare for trials and attends trials as a Law Enforcement expert.

This grant requires that the City of Helena and Lewis and Clark County submit the application together. The allocations set by BJA is that the City of Helena and Lewis and Clark County is \$38,503. The county's allocation is \$12,506 and the city's allocation is \$25,997.

Chief McGee recommended approval of the acceptance of the JAC funding in the amount of \$25,997.

Public testimony

Mayor Smith declared the public portion of the hearing open and called for any persons wishing to address the Commission.

There being no persons wishing to address the commission, the public hearing was closed.

Motion

Commissioner Ellison moved acceptance of the JAG funding in the amount of \$25,997. Commissioner Noonan seconded the motion. All voted aye, motion carried.

C. CONSIDER A RESOLUTION TO SET FEES CHARGED FOR DISPOSAL OF GARBAGE AND REFUSE AT THE CITY OF HELENA TRANSFER STATION.

Staff Report

Public Works Director Camp reported due to the public hearing not being properly advertised, staff is recommending the commission table the resolution until July 11, 2016.

Public comment

Mayor Smith asked for public comment, none was received.

Motion

Commissioner Haladay moved to table a resolution to set fees charged for disposal of garbage and refuse at the City of Helena Transfer Station. Commissioner Ellison seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

No public communications were given.

Meetings of Interest

MEETINGS OF INTEREST

There will be a rate resolution work session on June 21, 2016 at 3:30 p.m.; the next Administrative Meeting is July 6, 2016 and the next Commission Meeting is July 11, 2016.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:05 p.m.

/S/ JAMES E. SMITH
Mayor

ATTEST:

/S/ DEBBIE HAVENS
Clerk of the Commission